

Maine Revised Statutes
Title 12: CONSERVATION
Chapter 803: FOREST HEALTH AND MONITORING
HEADING: PL 1999, c. 790, Pt. A, §17 (rpr)

§8426. FUNDING

1. Recommendation of the director. On or before January 1st of each year, the director shall report in writing to the Bureau of the Budget and to the Legislature his estimate of the costs of implementation of any management program proposed for that program year, along with his estimate of the cost of funding program planning activities for the period beginning October 1st and ending on April 30th of the following year.

If the director finds that no spray project is necessary in 1987, he shall make a determination of the need for ongoing management program activities. The director shall base his determination upon recommendations of affected landowners and the public, and other factors that the director deems to be in furtherance of the legislative policies of this subchapter. On or before January 1, 1987, the director shall report in writing to the Legislature his estimate of the costs of implementation of the management program activities determined to be necessary, along with a complete description of the activities and the related staff requirements. Management program activities in a year without a spray project shall include only necessary budworm survey and detection, research and administration. The director shall include in his report any recommended changes to this subchapter to ensure the implementation of equitable methods for financing ongoing budworm survey activities in years with no spray project, consistent with the legislative policies of this subchapter.

[1985, c. 664, §1 (AMD) .]

2. Authorization by Legislature. Following the recommendation made in accordance with subsection 1, the Legislature shall determine, not later than March 1st, the amount, if any, authorized for expenditure for any management program in that program year. That excise tax shall be assessed and collected in accordance with section 8427, subsection 2. At the same time, the Legislature shall determine the amount, if any, authorized for expenditure for preproject planning during the period beginning October 1st and ending April 30th of the following year.

[1985, c. 664, §1 (AMD) .]

3. Management program special accounts. Special accounts shall be established in the following manner.

A. The Treasurer of State shall establish 2 dedicated revenue accounts as follows.

(1) Into one account shall be deposited any revenues received by the State from the Government of the United States for any spray project.

(2) Into the other account shall be deposited any revenues received by the State from the excise taxes authorized pursuant to this subchapter. [1979, c. 737, §12 (NEW) .]

B. The moneys credited to such accounts shall be used by the Bureau of Forestry to pay any expenses, debts, accounts and lawful demands incurred in connection with management programs authorized under this subchapter, and the director shall authorize the State Controller to draw his warrant therefor at any time. Any remaining balance in these accounts shall continue from year to year as a fund available for the purposes set out in this subchapter and for no other purpose. [1985, c. 58, §2 (AMD); 2011, c. 657, Pt. W, §7 (REV); 2013, c. 405, Pt. A, §23 (REV) .]

C. Any revenue deposited in spray project special accounts attributable to services funded from other state accounts shall be credited to the accounts funding these services. If the General Fund funded these services, the revenue shall be credited to the General Fund Undedicated Revenue Account. In the case where the original source cannot be determined, these funds shall be deposited in the General Fund.

[1983, c. 819, Pt. A, §36 (NEW).]

[1985, c. 58, §2 (AMD); 2011, c. 657, Pt. W, §7 (REV); 2013, c. 405, Pt. A, §23 (REV) .]

4. Borrowing from General Fund. To accomplish the purpose of this subchapter, the director, subject to the approval of the Governor, may borrow moneys from the General Fund for up to 120 days, at no interest, in order to enable the bureau to pay expenses, debts, accounts and lawful demands for any management program authorized under subsection 2; provided that the aggregate amount of such borrowing may at no time exceed the amount of uncollected excise taxes authorized under this subchapter for that spray project.

[1985, c. 58, §2 (AMD); 2011, c. 657, Pt. W, §7 (REV); 2013, c. 405, Pt. A, §23 (REV) .]

5. Treasurer of State; temporary loan. The Treasurer of State, upon the recommendation of the director, as approved by the Governor, may negotiate a temporary loan or loans in anticipation of excise taxes to be raised during the same fiscal year. The loan application shall be initiated by the Treasurer of State so that the funds derived therefrom are available not before July 1st for expenditure by October 1st of the same fiscal year.

The money borrowed shall be deposited in the account established pursuant to section 8426, subsection 3, paragraph A, subparagraph (2), and shall be used to fund the program during the preproject period beginning October 1st and ending on April 30th. Any income derived from investment of these funds shall be credited to the same account.

Any amount borrowed pursuant to this section shall be repaid with interest from the amount collected as a preproject excise tax under section 8427, subsection 2. In the event that no such tax is collected, this amount shall be raised by a shared tax applicable to all acres in the district, as of July 1st of that fiscal year, the per acre rate of which shall be calculated by dividing the sum to be raised by the number of acres within the district.

[1985, c. 58, §2 (AMD) .]

SECTION HISTORY

1979, c. 737, §12 (NEW). 1981, c. 278, §7 (AMD). 1983, c. 109, §1 (AMD). 1983, c. 810, §§1-3 (AMD). 1983, c. 819, §A36 (AMD). 1985, c. 58, §2 (AMD). 1985, c. 664, §1 (AMD). 2011, c. 657, Pt. W, §7 (REV). 2013, c. 405, Pt. A, §23 (REV).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to

change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--